

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 WALKER RIVER PAIUTE TRIBE,

6 Plaintiff - Intervenor.

7 v.

8 WALKER RIVER IRRIGATION DISTRICT,
9 a corporation, et al.,

10 Defendants.

IN EQUITY NO. C-125

CASE NO: 3:73-CV-00125-MMD-CSD

**ORDER TEMPORARILY MODIFYING
WALKER RIVER DECREE RE PERMIT
NO. 93877-T**

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12 The Walker River Decree is hereby temporarily modified in accordance with Permit No.
13 93877-T issued by the Nevada State Engineer on February 13, 2025.

14 **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**
15 that, as set forth in Nevada State Engineer Permit No. 93877-T, the Walker River Decree is hereby
16 modified to reflect the temporary changes in the manner of use and place of use to instream flow
17 for wildlife purposes in the Walker River and Walker Lake of portions of Decreed water right Claim
18 Nos. 41 and 229. The portions of the claims that were not modified by Permit No. 93877-T and
19 which therefore retain their current manner of use, place of use, and point of diversion are not
20 modified by this Order. This modification does not make any changes to the listed owner of the
21 water rights claims, or any portions thereof, as set forth in the Walker River Decree, even though
22 the ownership of the water rights claims has changed since the entry of this Decree.

23 Claim 41/229, Fallon, Ira, Successor to Mrs. Sarah Jane Rallens, *et al.*, portion changed to
24 instream flows for wildlife purposes.

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As set forth in Permit No. 93877-T, the portion of water right Claim 41/229 in the table below shall be administered by the Water Master when in priority as shown in the second column (year of priority) and third column (amount at point of non-diversion) of the table. Thereafter, the Water Master shall administer and protect from diversion by others at and downstream of the point of non-diversion the consumptive use portion, being 3.10 acre-feet per acre, which has been converted to flow measured in cubic feet per second as shown in the fourth column (amount of consumptive use). At the Wabuska Gage, said changed water right shall be administered in the Walker River and Weber Reservoir through the Walker River Paiute Tribe reservation pursuant to the Lower Walker River Conveyance Protocols, all as more fully set forth in Nevada State Engineer Ruling No. 6271, the 2018 Ninth Circuit Decision and the terms of Permit No. 80700. The non-consumptive use portion of the water rights shall be administered by the Water Master in her or his discretion pursuant to the Walker River Decree and the 1953 Rules and Regulations for the Distribution of Water on the Walker River Stream System, including to avoid conflict with and injury to existing water rights at and downstream of the point of non-diversion and to mitigate hydrologic system losses, from the point of non-diversion to the point or points where the non-consumptive use portion historically returned to the Walker River upstream of the Wabuska Gage.

Stream	Year of Relative Priority	Amount at Point of Non- Diversion (in c.f.s.)	Amount of Consumptive Use (in c.f.s.)	No. of Acres Formerly Irrigated	Description of Place of Use
Walker River	1874 1880	2.750 1.540	1.462 0.819	229.17 128.35	Walker River from the Point of Non-Diversion, through USGS Wabuska Gage, then through Weber Reservoir into and including Walker Lake.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED

That Permit No. 93877-T shall be administered in exactly the same fashion as the Walker Basin Conservancy's previously approved Permit Nos. 80700, 88160–88162, and 90690, including use of the same river gages, as those gages have been modified by the Court's Order of February 23, 2023 (ECF No. 1768), and no special fees or costs may be assessed against NDOW for its administration.

1 This temporary modification of the Walker River Decree will terminate when the temporary
2 change provided for in Permit 93877-T expires and upon such termination, this Order Temporarily
3 Modifying Walker River Decree Re Permit No. 93877-T will be, and hereby is, *ipso facto* deleted
4 from the Decree without any further action by the Court.

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6 **IT IS SO ORDERED.**

7 Dated: 3/14/2025

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU
U.S. DISTRICT COURT JUDGE